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For and on behalf of
Warley Green Limited

WRITTEN REPRESENTATION
Unique Reference Number: 20035563

**Application by National Highways for an Order Granting Development Consent for the
Lower Thames Crossing**

**Response to the Examining Authority's Written Questions (ExQ2) and comments on the
Applicant's submissions at D5**

**Prepared by
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October 2023





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APPENDICES

Appendix 1 Site Location Plan

1.0 INTRODUCTION

1.1 This Representation has been prepared by DLP Planning Ltd on behalf of Warley Green Limited ('the client') in relation to the Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing ('the Project').

1.2 This Representation is to be read in conjunction with our previous submissions (unique reference 20035563):

- Relevant representation submitted on 23rd February 2023 (RR-1131);
- Deadline 1 Written Representation submitted on 21st July 2023 (REP1-431);
- Response to the Examining Authority's Written Questions and Requests for Information (ExQ1) in light of the Applicant's submission at D4 on 3rd October 2023 (REP5-130).

1.3 Our client continues to seek assurances that any works relating to the DCO, or Order Limits, would not prejudice the consented development for a solar farm and energy storage facility at Land adjacent Fen Farm Judds Farm and Part of Bulphan Fen, Harrow Lane, Essex (known as the Bulphan Fen solar farm).

Background

1.4 Warley Green Limited is a wholly owned subsidiary of Verdant, which is jointly owned by DIF Capital Partners (DIF) and ib Vogt (IBV).

1.5 The Bulphan Fen Solar Farm is part of a portfolio of Verdant sites with a total capacity of 720MW of solar and battery storage. The extant permission applies to land sited within the administrative boundaries of both the London Borough of Havering (ref. P0059.21) and Thurrock Council (ref. 21/00077/FUL). The solar development and energy storage facility is now progressing towards construction which is expected to complete by early 2024. The development will be fully implemented when the DCO works are expected to begin in 2024.

1.6 As stated in our previous representations, our client is broadly supportive of the proposed scheme but welcomes further discussions with National Highways to address the concerns as set out in previous representations.

1.7 This Written Representation responds to the Examining Authority's Written Questions and Requests for Information (ExQ2) and comments on the Applicant's submission documents

at D5, where they are considered to be of relevance to our clients' interests.

- 1.8 A virtual meeting between representatives of the Applicant and representatives of the Bulphan Fen Solar Farm was held on 26 October 2023 and the discussions which took place are reflected, where relevant, within these written representations.

2.0 RESPONSES TO EXQ2

Q15.1.1

- 2.1 It is noted that the Examining Authority have asked the Applicant to confirm if any additional land or rights not already identified in the Book of Reference and the Land Plans are likely to be required to provide for carbon, climate or air quality mitigation measures that were not anticipated prior to the UKs Government's announcement of a delay of five years from 2030 to 2035 for the ban on the sale of new petrol and diesel cars.
- 2.2 Our client awaits with interest the Applicant's response to this question. Our client would wish to comment on any changes to the works proposed or the extent of land required within the vicinity of the Bulphan Fen Solar Farm

Q16.1.4

Engagement and Communications Plan

- 2.3 On behalf of our client, our previous representations identified a need for a clear reporting and complaints procedure, including contact details.
- 2.4 Our clients welcome the commitment within the EMP (REP5-049) to protect existing infrastructure and engage with stakeholders via an Engagement and Communications Plan (ECP). It is noted that the proposed ECP will include details of the enquiries and complaints procedure. Reference is also made to making use of the National Highways customer contact centre for receipt of enquiries and complaints from members of the public, with a commitment to responding within 10 working days.
- 2.5 Our client seeks clarification surrounding the complaints procedure for direct neighbours of the proposed development. As a neighbouring stakeholder, whose operations could be negatively impacted (resulting in lower production of renewable energy which delivers significant public benefits and lost income for our client) in the event that the proposed mitigation of dust measures fail, our client would request that contact details for the site manager overseeing the works closest to the Bulphan Fen Solar Farm (or another contractor staff with direct knowledge of the works taking place within the area) are provided so that issues can be reported directly (as opposed to via the generic customer contact centre).
- 2.6 This is a matter which was raised during the recent meeting between representatives of the

Applicant and representatives of the Bulphan Fen Solar Farm. The Applicant committed to reviewing this concern and responding to our client directly on this point (at the point of these written representations being prepared a response was still outstanding).

Air quality and Dust

- 2.7 It is noted that the Register of Environmental Actions and Commitments (REAC) (REP5-049) includes measures to reduce dust (REAC ref nos. AQ002-AQ007). As raised in our previous representations, dust is a key concern for our client.
- 2.1 The Government's legally binding target of reaching net zero emissions by 2050 in order to tackle the climate change emergency (identified by The Sixth Assessment Report of the Intergovernmental Panel on Climate Change as "a threat to human well-being and planetary health") and provide UK energy security (helping to stabilise energy prices for consumers) is entirely dependent upon maximising renewable energy production from solar farms. Our client's solar farm, which will be operational by early 2024, is partly located within the area identified as being most at risk of being impacted by construction dust (Figure 1: Construction Dust Study Area, Application Document 6.2 of Document APP-143). Gradual dust accumulation can reduce solar panel efficiency which translates to a decline in the amount of renewable energy produced and therefore, lost benefits for the wider public, in addition to lost income for our client. In addition, dust deposition will incur large costs for our client due to the necessary additional cleaning and maintenance required to ensure that the solar panels remain fully efficient.
- 2.2 REAC ref no. AQ005 includes a commitment to undertake on and off-site inspections to monitor dust. This is welcomed, however, REAC ref no. AQ006 states that the Contractors shall determine the level of any dust and particulate monitoring carried out on Project construction sites by means of a risk-based approach, taking account of the specific packages of works and the location of receptors around the site. Given the implications of dust upon the efficient operation of the solar farm (and the fact that the solar farm is within the area identified as being most at risk for construction dust) our client seeks assurances that the Bulphan Fen Solar Farm can be included as a proposed offsite receptor for the monitoring of dust.
- 2.3 Based on recent discussions between representatives of the Applicant and representatives of the Bulphan Fen Solar Farm, it is understood that receptors located more than 100m from

proposed compounds (as is the Bulphan Fen Solar Farm) are considered to be at low risk of adverse impacts from dust and soiling, subject to good practice guidelines being followed. However, solar farms are a relatively new form of infrastructure and it is not clear if the levels of dust and soiling deemed acceptable (by the established guidelines) to human health are equally acceptable to the optimal operation of solar farms. This is a matter which the Applicant committed to responding to our client directly on, however, to date, no further information has been supplied by the applicant, beyond that already available within the EMP (REP5-049).

- 2.4 As set out in our previous representations, we would also expect to see clear quality control/record keeping of monitoring data and frequent publicly available reporting of monitoring data. This does not currently appear to be reflected in the commitments of the REAC (REP5-049) regarding air quality monitoring.

Outages

- 2.5 Paragraph 6.4.6 of the EMP (REP5-049) states that some works, such as utility works, are dependent on agreed outages. Works to the existing overhead lines immediately adjacent to the Bulphan Fen Solar Farm are proposed as part of the development.
- 2.6 As requested previously, our client was seeking confirmation as to whether there is potential for downtime to the National Grid connection, in the vicinity of the Bulphan Fen Solar Farm as a result of the proposed development (and if so, an indication of likely times and durations). If outages are required, this will impact upon the operation of the solar farm and result in lost income for our client.
- 2.7 Based on verbal discussions during a recent meeting between representatives of the Applicant and representatives of the Bulphan Fen Solar Farm, assurances were given that any outages will be single circuit only and would not result in downtime to the National Grid. Assurances were also given that emergency protocols will be in place to restore National Grid connection in the event of any unforeseen events or accidents. On this basis our client is satisfied regarding this point.

Landscape Works

- 2.8 It is noted that REAC ref no. LV001 states that detailed design for the project, including diverted utilities, will aim to reduce removal of trees and vegetation as far as reasonably practicable. REAC ref no. LV002 states that land temporarily impacted by works to divert

utilities would be reinstated to its former condition and composition upon completion, as far as reasonably practicable.

- 2.9 As noted in our previous representations, the Bulphan Fen solar farm, as approved by Thurrock Council, includes a new/enhanced hedgerow along the solar farm's western boundary and grassland/wildflower planting along the river Mardyke corridor, both of which directly border the order limits (as can be seen on General Arrangement Regulation 5(2)(o) Sheet 41 Drg no: TR010032/APP/2.5).
- 2.10 Based on verbal discussions during a recent meeting between representatives of the Applicant and representatives of the Bulphan Fen Solar Farm, assurances were given that the proposed works will not adversely impact upon any of the soft landscaping associated with the Bulphan Fen Solar Farm. Our client welcomes this assurance but would still seek written confirmation that any hedgerow or planting on the boundary of the Bulphan Fen solar farm, which is inadvertently adversely impacted by the construction of the proposed development, will be replaced on a like-for-like basis.

3.0 COMMENTS ON THE APPLICANT'S SUBMISSIONS AT D5

- 3.1 It is noted that the applicant has submitted an updated version of '2.2 Land Plans Volume C (Sheets 21 to 49)' (REP5-008). This addresses the omission flagged by our previous written representation submitted on 3rd October 2023 (REP5-130).
- 3.2 It is noted that the Applicant proposes to permanently acquire rights along the existing access track shown as parcel 41-44 on Sheet 37 of Land Plans Volume C (REP5-130).
- 3.3 Our client has no comment to make on this change, however, our client's solar farm is located immediately to the east of the order limits in this location and assurances are sought in relation to possible impacts upon the operation of the solar farm (as set out above).

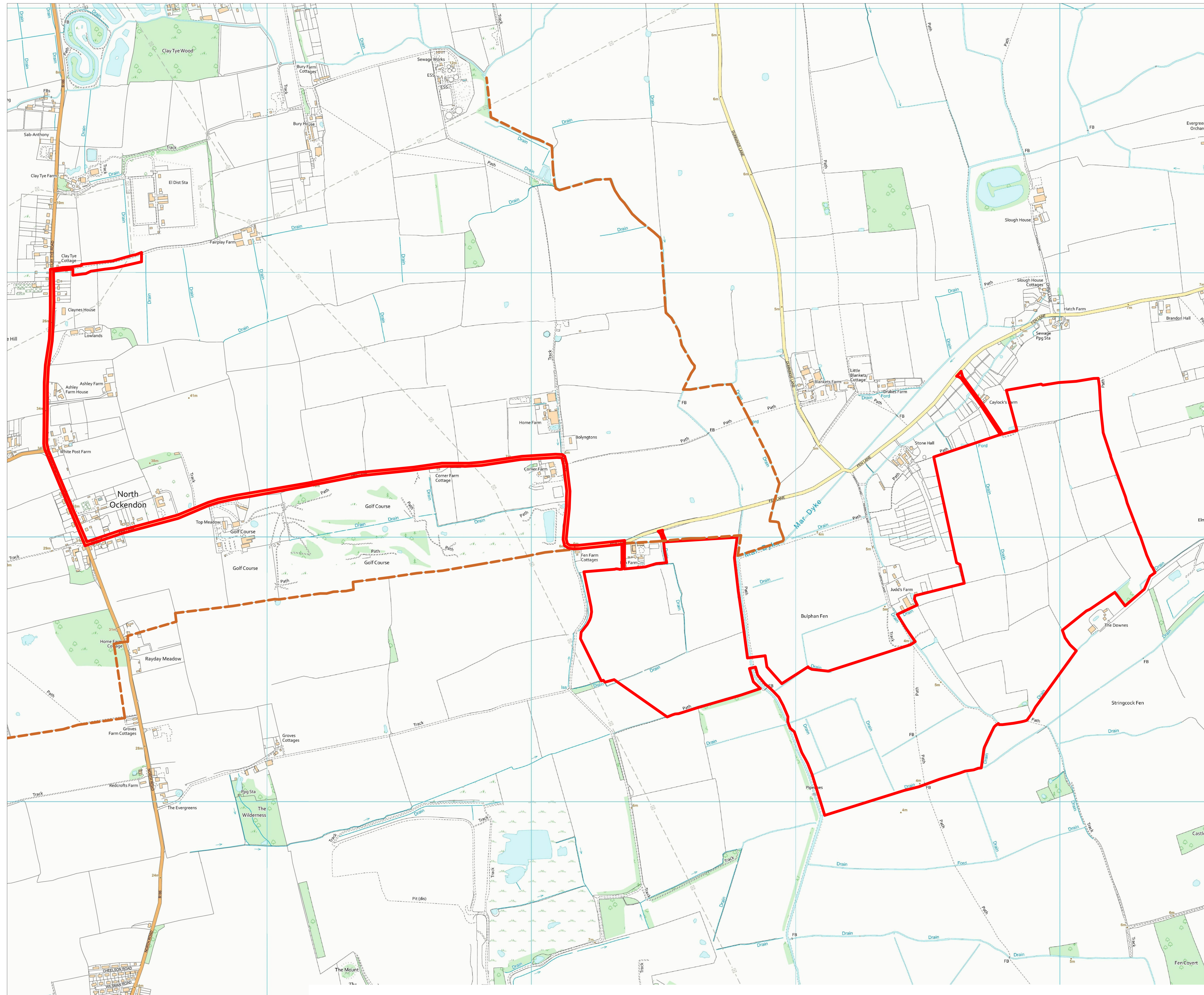
4.0 CONCLUSION AND NEXT STEPS

- 4.1 A stated previously, we are of the view that the concerns raised can be addressed through communication from National Highways (NH) to ensure that any works directly related to the DCO, or Order Limits, would not prejudice the consented solar farm and energy storage facility development.
- 4.2 A meeting took place between representatives of the Applicant and representatives of the Bulphan Fen Solar Farm on 26th October 2023.
- 4.3 Our client was encouraged by the verbal assurances provided in relation to dust impacts, temporary road closures, National Grid outages and impacts on soft landscaping associated with the Bulphan Fen Solar Farm. Nevertheless, at the time of these Written Representations being prepared our client has not received any further information from the Applicant, beyond that already available within the EMP (REP5-049), which adequately addresses the concerns raised within these Written Representations, particularly in relation to the control of dust.
- 4.4 As stated previously in our Written Representation and during direct discussions with the Applicant on 26th October 2023, our client has no in-principle objection to the proposals. However, assurances are sought (in a form which can be relied upon) that any adverse impacts upon the efficient operation of the Bulphan Fen Solar Farm will be avoided, mitigated and where appropriate, rectified in a timely manner. As suggested to the Applicant this could take the form of commitments being included within the Stakeholder Actions and Commitments Register (REP5-060), where sufficient written assurances cannot be provided elsewhere within the submission documents accompanying the DCO.



G5117/2
Warley Green Limited
Application by National Highways for an Order Granting
Development Consent for the Lower Thames Crossing
October 2023

Appendix 1
Site Location Plan



General Notes

Key

- Site Application Boundary
- Administrative Boundary

REVISED	DATE	MODIFICATION

PROJECT NAME:
Bulphan Fen Solar Farm

DRAWING TITLE:
Consolidated Location Plan

DRAWING No: **BF1.0** REVISION: **v.b**

SCALE: **1:5000** FORMAT: **A0** DATE: **22 Dec 2020**

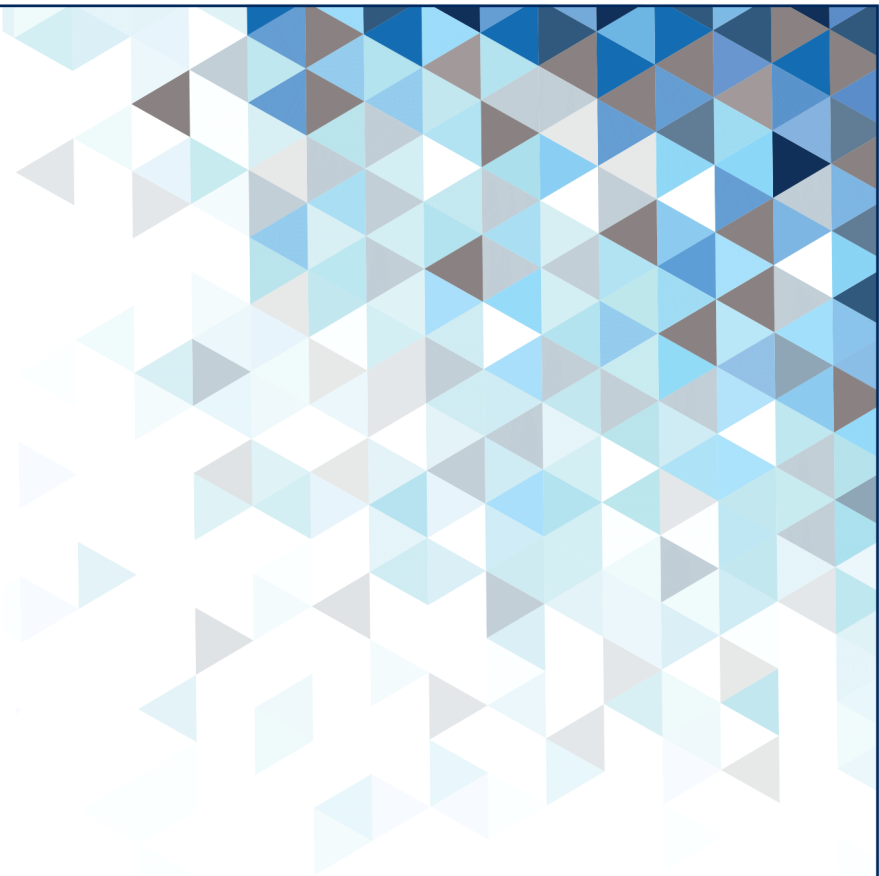
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